

**EXHIBIT “A”**

California *Civil Code* § 1782 Notice and Demand Letter

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February 5, 2018

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED.

Mr. Tim Cook, Chief Executive Officer  
Apple, Inc.  
One Infinite Way  
Cupertino, California 95014

Re: *Nicholas Ford v. Apple, Inc.*  
Demand for Compliance with California *Consumers Legal Remedies Act*.

Dear Mr. Cook:

This firm represents Nicholas Ford (“Plaintiff”), who purchased a defective smart phone from Apple, Inc. (“Apple”) which contained material design defects causing it to shut off at intermittent intervals, and whose processor was subsequently slowed down by Apple through operating system updates in order to mask the symptoms of the design defects.

We write on behalf of Plaintiff and other similarly situated consumers who purchased affected iPhone models in order to make a demand for damages pursuant to California *Civil Code* §1782 of the *California Consumers Legal Remedies Act* (“CLRA.”) The CLRA prohibits “unfair or deceptive acts or practices ... in the sale ... of good or services to any consumer.”

Plaintiff alleges that Apple violated the CLRA by advertising that its iPhone models were not defective, and by advertising that the iPhone processors operated at speeds far beyond their capabilities after Apple throttled down the speed of the processors and by otherwise concealing the existence of the design defect and failing to disclose that it had slowed down the affected iPhones.

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This systemic conduct constitutes unfair methods of competition and unlawful, unfair and fraudulent acts or practices, undertaken by Apple for the purpose of luring consumers into purchasing Apple products and to prevent consumers from becoming aware of the design defects.

Plaintiff is one of the many consumers across the State of California and the United States that suffered damages by paying full price for defective smart phones and who did not receive a product that was anywhere as fast or as capable as Apple advertised. Plaintiff's full claims, including the facts and circumstances surrounding those claims, are detailed in the Complaint, a copy of which is enclosed and incorporated by this reference.

Apple's alleged conduct and practices constitute a violation of California *Civil Code* §1770(a) under, *inter alia*, the following subdivisions:

(5) Representing that [the products have] ... characteristics, ... uses [or] benefits ...which they do not have.

(7) Representing that goods ... are of a particular ... quality.

(8) Disparaging the goods ... of another by false or misleading representation of fact.

(9) Advertising goods ...with [the] intent not to sell them as advertised.

(13) Making false or misleading statements of fact concerning the existence of, or amounts of, price reductions for batteries for the affected iPhones.

While the Complaint constitutes sufficient notice of the claims asserted, pursuant to California *Civil Code* §1782, we hereby demand on behalf of our client and all others similarly situated in the State of California that Apple immediately correct and rectify the violation of California *Civil Code* §1770 by: (i) ceasing advertising that the affected iPhones are defect-free; (ii) ceasing advertising and publishing that the affected iPhones have processor speeds as fast as before Apple slowed them down and that they maintain those processor speeds for the lifetime of the iPhone; (iii) ceasing advertising that the affected iPhones are as fast or faster or as capable or more capable than competing lines of smart phones and; and (iv) ceasing disseminating false and misleading information about the processor slowdown and the material defects affecting the affected iPhones and fully disclose to consumers the existence of material defects and the existence of and reason for slowing down the iPhones, as well as the precise amount of processing speed lost in each affected iPhone and the overall amount of performance the iPhones will lose as their batteries age.

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In addition, we hereby demand that Apple provide complete monetary relief to Plaintiff and all similarly situated consumers, plus reimbursement for interest, costs, and fees. Plaintiff will, after 30 days from the date of this letter, amend the Complaint without leave of Court as permitted by *Civil Code* §1782, to include claims for actual and punitive damages (as may be appropriate) if a full and adequate response to this letter is not received. Thus, to avoid further litigation, it is in the interest of all parties concerned that Apple address this problem immediately.

Very truly yours,

Rafael Bernardino, Jr.

RXB: kjm

cc: Jason Hobson  
Andrew Kierstead  
Peter Wasylak

Enclosure: Complaint